



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making**Agency:** Department of Health

- ☒ **Preproposal Statement of Inquiry was filed as WSR 07-07-072 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR ; or**
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR**
☐ **Continuance of WSR**

Title of rule and other identifying information: (Describe Subject)

WAC 246-310-010 (9), Certificate of Need definition of "bed-to-population ratio"

Hearing location(s): Department of Health
Point Plaza East Conference Center
310 Israel Road
Tumwater, Washington 98501

Date: 7/14/08Time: 9:30 AM**Submit written comments to:**

Name: Yvette Fox

Address: Department of Health

Post Office Box 47852

Olympia, Washington 98504-7852

email yvette.fox@doh.wa.govWebsite: <http://www3.doh.wa.gov/policyreview/>fax (360) 236-2901 by (date) 07/14/2008**Assistance for persons with disabilities:** ContactYvette Fox by 07/08/2008TTY (800) 833-6388 or () 711**Date of intended adoption:** 07/21/2008(Note: This is **NOT** the **effective** date)**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed rule will amend WAC 246-310-010(9), the Certificate of Need definition of bed-to-population ratio. It currently requires the department to calculate the need for nursing home beds based on the ratio of 40 beds per 1000 persons age 65 and older. The proposed rules change the ratio to 40 beds per 1000 persons age 70 and older.

Reasons supporting proposal:

The average age for all nursing home residents is 79.97 years. Changing the established ratio based on the population age seventy or older more accurately reflects the population served by nursing homes.

Statutory authority for adoption:

RCW 70.38.135

Statute being implemented:

RCW 70.38.135

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE 06/02/08**NAME** (type or print)

Mary C. Selecky

SIGNATURE**TITLE**

Secretary

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 03, 2008**TIME:** 4:18 PM**WSR 08-12-079**

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Bart Eggen	PO Box 47852, Olympia, Washington 98504-7852	(360) 236-2960
Implementation....Bart Eggen	PO Box 47852, Olympia, Washington 98504-7852	(360) 236-2960
Enforcement.....Steve Saxe	PO Box 47852, Olympia, Washington 98504-7852	(360) 236-2902

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

☒ No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(b), a SBEIS is not required for proposed rules that relate only to internal governmental operations and that are not subject to violation by a nongovernmental party.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

☒ No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(ii) exempts rules that relate only to internal governmental operations that are not subject to violation by a nongovernment party.